

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 27, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 07KD-019

KAUAI

Cancellation of Governor's Executive Order No. 896 to the Board of Supervisors of the County of Kauai and Reset-Aside to the County of Kauai for Maintenance Base Yard, Public Affair and Recreational Purposes and Issuance of a Management Right-of-Entry, Waioli, Halelea, Kauai, Tax Map Key: (4) 5-5-03: 02.

CONTROLLING AGENCY (of subject executive order):

Board of Supervisors of the County of Kauai

APPLICANT:

County of Kauai

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waioli situated at Waioli, Halelea, Kauai, identified by Tax Map Key: (4) 5-5-03: 02, as shown on the attached map labeled Exhibit A.

AREA:

2.499 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open/Special Treatment Public

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Governor's Executive Order No.896 setting aside 2.499 acres to Board of Supervisors of the County of Kauai for Hanalei Court House Lot purposes.

PURPOSE OF SET ASIDE:

Maintenance Base Yard, Public Affair and Recreational Purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REMARKS:

On October 8, 1940 Governor's Executive Order 896 was issued for the control and management of the Board of Supervisors of the County of Kauai for the Hanalei Court House Lot.

In 2006 the Kauai Judicial Complex in Lihue was completed and all court activities was move to the new facility.

By letter dated September 20, 2006 Mayor Bryan J. Baptiste requested that the property is no longer used for a courthouse and that the County would like to continue using the property for public meetings and community events. (Exhibit B)

Comments were solicited from the following agencies:

County of Kauai:

Department of Public Works: No response

Planning Department: No response

Department of Water: No objection. However, the applicant is made aware that any actual request for additional water meters or increase in water meter size will be dependent on the adequacy of the source, storage, and transmission facilities existing at the time.

Department of Transportation We do not have any objections or
other comments.

Office Of Hawaiian Affairs: No response

State Historical
Preservation Division: No response

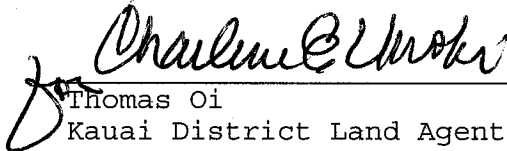
The County is requesting a management right-of-entry to allow them
the use of the Hanalei Court House building and surrounding grounds
for public meetings and community events.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 896 to the Board of Supervisors of the County of Kauai and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Kauai for Maintenance Base Yard, Public Affair and Recreational purposes under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

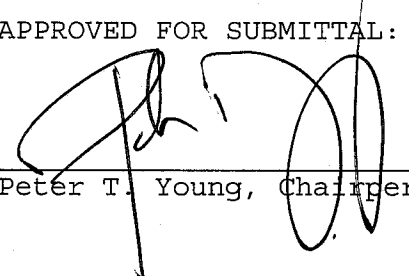
- C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a management right-of-entry permit to County of Kauai covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Thomas Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

BEACH RESERVE

WAIOLI

BEACH LOTS

11

10

9

8

7

6

5

4

3

2

ROAD

HANALEI

BEACH ROAD

(40 feet wide)

Govt Land

LCAM 9213-1
Kawahine

LCAM 10317-3
Naiwi

Gr. 1095 Hookiekie
Land of 45.511 acres to
Ward of Hanalei, Dec. 30, 1899.
L. 1910 P. 102-103

Gr. 1093 S. Kaloa
Land of 45.511 acres to
Ward of Hanalei, Dec. 30, 1899.
L. 1910 P. 102-103

Govt Land

Gr. 8513
W. P. Aarons

LCAM 10356-2
Wana

LCAM 7949-4
Kekela

Gr. 3036 Wana

old Burial Grounds

Gr. 2927 G. Thoms

2499 ACRES

Government Land

GOVERNMENT MAIN ROAD (40 feet wide)

True North
Scale 1 in = 100 ft

(Revised July 1940)
Hanalei Court House Lot
Waioli, Haleleka, Kauai
Scale 1 in = 100 ft

EXHIBIT A

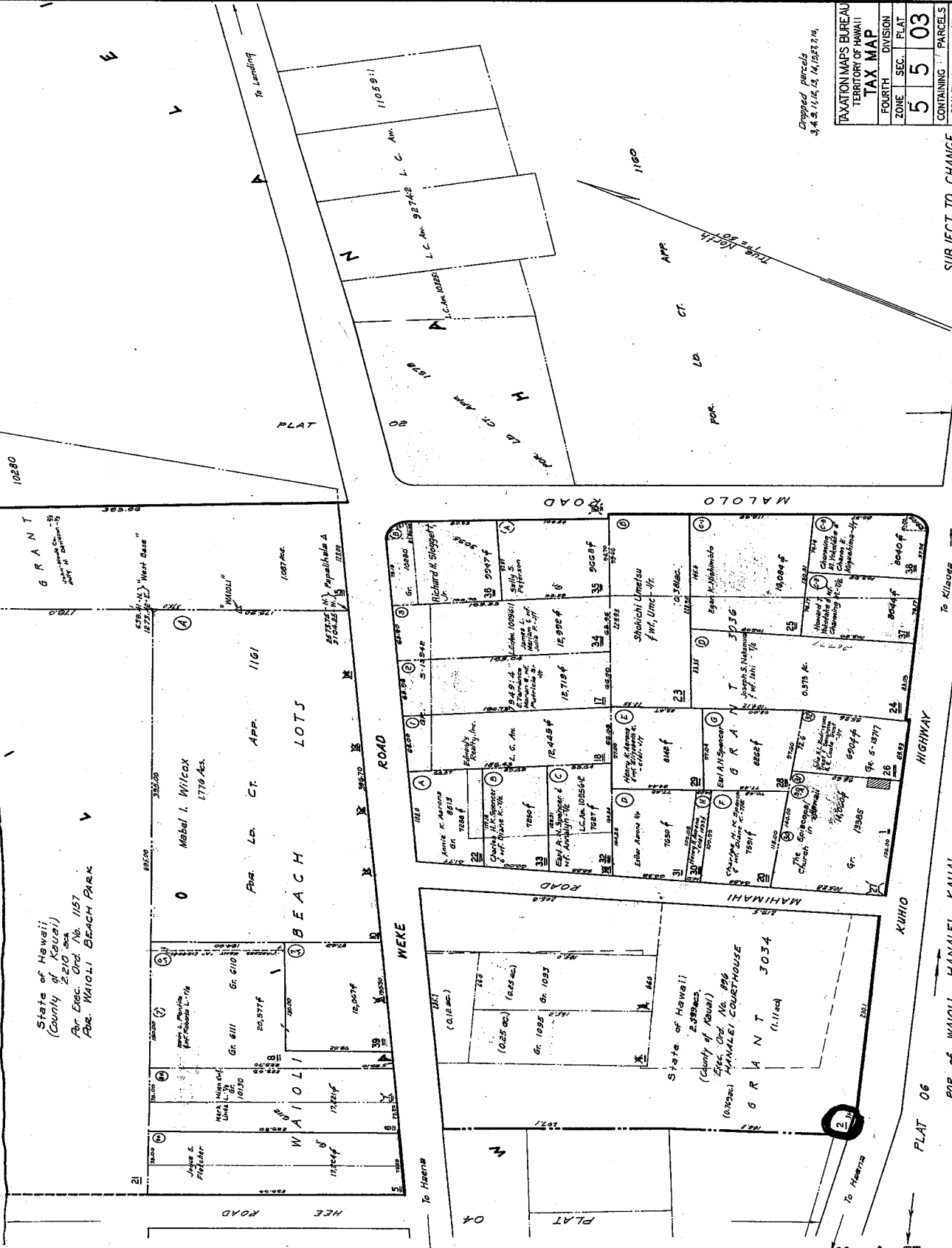
Tax Map 5-5-03

SURVEY DEPARTMENT
TERRITORY OF HAWAII

C.S.F. No. 9285

Joseph A. Aia July 12, 1940

HANALEI BAY



TAXATION MAPS BUREAU
Territory of Hawaii

TAX MAP			
FOURTH	DIVISION	FLAT	PARCELS
5	5	03	

CONTAINING 1 PARCELS
SCALE: 1 in. = 50 ft.
PRINTED

SUBJECT TO CHANGE

EXHIBIT "A"



Bryan J. Baptiste
Mayor

Gary K. Heu
Administrative Assistant

Office of the Mayor

September 20, 2006

The Honorable Linda Lingle, Governor
State of Hawai'i
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: EXECUTIVE ORDER NO. 896
HANALEI COURTHOUSE

Dear Governor Lingle:

Please let this letter serve as the County of Kaua'i's request that the terms of Executive Order No. 896 be amended to permit the County to use the site for public purposes other than those of a courthouse.

As you know, the Hanalei courthouse is no longer needed, or to my knowledge used, since the Judiciary has built a courthouse facility in Lihu'e which serves the needs of the entire island. The satellite courthouses on Kaua'i no longer exist as such.

The County would like to continue to use and maintain the Hanalei site for other public purposes such as public meetings and community events.

I sincerely hope you can give our request a favorable response. Thank you in advance for your assistance, and please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bryan J. Baptiste".
BRYAN J. BAPTISTE

4444 Rice Street, Suite 235 • Lihu'e, Hawai'i 96766 • (808) 241-6300 Fax (808) 241-6877

EXHIBIT "B"